

SECTION III.—LIMITATION AS REGARDS TIME OF PROSECUTION.

Lastly, I may mention that our criminal law does not recognize any period of limitation as doing away with an offence or preventing its prosecution.

In theory there is no reason why such a limit should be set and although it would be absurd that a petty offence should be raked up against a man after many months or years, practically such a thing never happens: the proof of a small offence would be sure to disappear, and the Magistrate would also have excellent ground to refuse a summons; it is therefore judged better to leave the subject entirely alone, except in some special

- (h) Taking away objects which have been lawfully seized or sequestered. (This would be a special offence by itself in India; not a circumstance subordinate to another act.)
- (i) Offender has continued the offence after being warned against it.
- (j) The offender is a right-holder, or a forest-laborer, or employed as a wood-cutter in the forest.
- (If he was actually a public servant or Forest Officer, and committed an offence, of course there would be a special and exemplary penalty: here the offender is not actually a Forest Officer, but is in such a position as to make it an aggravating circumstance if he is concerned in an offence.)
- (k) If the theft of wood or other produce involved the cutting out or removal of some property-mark already on the material.
- (l) When the offence is committed within a year of a previous conviction for the same (or a greater) offence.
- (m) When there was an intention of doing injury to the forest growth beyond the mere act of appropriation of the particular wood or produce stolen.

(This intent may be presumed when the wood cut or produce removed is useless to the offender, or is in such quantity or of such a kind that a person in his station of life could not be under any temptation to take it for its own sake.)

The French Forest Law (Code F., Art. 201) recognizes as aggravating circumstances—

- (a) "*Récidive*," i.e., a second conviction for any *délit* or contravention against the Forest law, within 12 months of a previous conviction.
- (b) When the offence was by night; or when a tree has been *sawn* down.
(*Usage de la scie pour couper les arbres à pied.*)

The penalty is doubled in these cases.

(The use of the saw makes no noise, hence it is an offence concealed; also the use of the saw in a coppice wood may be detrimental to the reproduction.)